

USAWC STRATEGY RESEARCH PROJECT

THE ABU GHRAIB SCANDAL: IMPACT
ON THE ARMY PROFESSION AND
THE INTELLIGENCE PROCESS

by

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This SRP is submitted in partial fulfillment of the requirements of the Master of Strategic Studies Degree. The U.S. Army War College is accredited by the Commission on Higher Education of the Middle States Association of Colleges and Schools, 3624 Market Street, Philadelphia, PA 19104, (215) 662-5606. The Commission on Higher Education is an institutional accrediting agency recognized by the U.S. Secretary of Education and the Council for Higher Education Accreditation.

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U.S. Army War College
CARLISLE BARRACKS, PENNSYLVANIA 17013

Report Documentation Page

Form Approved
OMB No. 0704-0188

Public reporting burden for the collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Washington Headquarters Services, Directorate for Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington VA 22202-4302. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to a penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number.

1. REPORT DATE 18 MAR 2005	2. REPORT TYPE	3. DATES COVERED -		
4. TITLE AND SUBTITLE The Abu Ghraib Scandal Impact on the Army Profession and the Intelligence Process		5a. CONTRACT NUMBER		
		5b. GRANT NUMBER		
		5c. PROGRAM ELEMENT NUMBER		
6. AUTHOR(S) Dean Bland		5d. PROJECT NUMBER		
		5e. TASK NUMBER		
		5f. WORK UNIT NUMBER		
7. PERFORMING ORGANIZATION NAME(S) AND ADDRESS(ES) U.S. Army War College, Carlisle Barracks, Carlisle, PA, 17013-5050		8. PERFORMING ORGANIZATION REPORT NUMBER		
9. SPONSORING/MONITORING AGENCY NAME(S) AND ADDRESS(ES)		10. SPONSOR/MONITOR'S ACRONYM(S)		
		11. SPONSOR/MONITOR'S REPORT NUMBER(S)		
12. DISTRIBUTION/AVAILABILITY STATEMENT Approved for public release; distribution unlimited				
13. SUPPLEMENTARY NOTES				
14. ABSTRACT See attached.				
15. SUBJECT TERMS				
16. SECURITY CLASSIFICATION OF:		17. LIMITATION OF ABSTRACT	18. NUMBER OF PAGES 27	19a. NAME OF RESPONSIBLE PERSON
a. REPORT unclassified	b. ABSTRACT unclassified			

ABSTRACT

AUTHOR: Lieutenant Colonel Dean Bland

TITLE: The Abu Ghraib Scandal: Impact on the Army Profession and the Intelligence Process

FORMAT: Strategy Research Project

DATE: 18 March 2005 PAGES: 27 CLASSIFICATION: Unclassified

For much of the Spring and Summer of 2004, what came to be known as the Abu Ghraib Prison Scandal dominated national and international headlines. Allegations of physical and emotional abuses by U.S. military personnel against Iraqi detainees in the Abu Ghraib prison, shocked the world and led to calls for investigations, punishments, resignations, and war policy adjustments. This paper will examine the impact of the abuses on the U.S. Army as a profession. In addition, the paper will consider the ramifications of the abuses on the intelligence collection process. The Army suffered professionally, and intelligence collection was adversely impacted as a result of the actions committed at Abu Ghraib. The paper will conclude with an assessment that recommendations provided by various investigative panels, if implemented, will correct or will not correct the negative impacts on Army professionalism and intelligence collection.

TABLE OF CONTENTS

ABSTRACT.....	iii
THE ABU GHRAIB SCANDAL: IMPACT ON THE ARMY PROFESSION AND THE INTELLIGENCE PROCESS	1
THE INVESTIGATION FINDINGS	1
THE ARMY AS A PROFESSION.....	3
INTERNATIONAL HUMANITARIAN LAW	4
TREATMENT OF DETAINEES	4
INTERROGATION OF DETAINEES	6
ANALYSIS – DETAINEE ABUSE AND PROFESSIONALISM.....	8
ANALYSIS – DETAINEE ABUSE AND THE INTELLIGENCE PROCESS	10
RECOMMENDATIONS	12
CONCLUSION	14
ENDNOTES	15
BIBLIOGRAPHY	19

THE ABU GHRAIB SCANDAL: IMPACT ON THE ARMY PROFESSION AND THE INTELLIGENCE PROCESS

... I am a soldier and I am a professional. . .

—from The Soldier's Creed

For much of the spring and summer of 2004, what came to be known as the Abu Ghraib Prison Scandal dominated national and international headlines. What began with a set of disturbing images on the television show *60 Minutes* depicting Iraqi prisoners being sexually or otherwise humiliated and abused at the hands of U.S. military personnel shocked the world and led to calls for investigations, punishments, resignations, and war policy adjustments. While initial concern centered on the activities of a few "rogue" soldiers belonging to the 372d Military Police (MP) Company, the public soon learned that problems of detainee abuse were far more widespread and that a number of investigations into the abuse had been ongoing since as early as January 2004. In fact, few events in recent history have been the subject of so many investigations.

Because the Abu Ghraib scandal is recent, little has been published about it outside of news bites, official testimony, and official investigative reports. This paper focuses primarily on the impact of the abuses on the U.S. Army as a profession. In addition, the paper considers the ramifications of the abuses on the intelligence collection process. This paper will demonstrate that the Army suffered professionally and intelligence gathering processes were adversely impacted by the events at Abu Ghraib. Finally, the paper will assess whether actions taken and recommendations provided in official investigative reports remedy the negative impacts on Army professionalism and intelligence collection. While the findings and recommendations of all publicly-released unclassified Abu Ghraib investigation reports are considered, the paper draws extensively upon the investigation led by Major General (MG) George Fay, the Army's Deputy G2, because of its Military Intelligence (MI) related charter.

THE INVESTIGATION FINDINGS

On May 15, 2004, Secretary of Defense Donald Rumsfeld, in testimony before Congress, took full responsibility "for the terrible activities that took place at Abu Ghraib." Rumsfeld apologized to the Iraqis who had been mistreated, asserting that their abuse "was un-American. and . . . inconsistent with the values of our nation." Rumsfeld highlighted the series of investigations that were initiated immediately after Army Specialist (SPC) Joseph Darby revealed incidents of abuse at Abu Ghraib in January 2004.¹ MG Antonio Taguba's

investigation of the 800th MP Brigade, which was responsible for detainee operations in Iraq, revealed that between October and December 2003, “numerous incidents of sadistic, blatant, and wanton criminal abuses were inflicted on several detainees.”²

Former Secretary of Defense James Schlesinger’s Independent Panel to Review Department of Defense (DOD) Detention Operations noted that the U.S. had apprehended about 50,000 individuals during conflict in Afghanistan and Iraq, and that 300 allegations of abuse had been brought to light. Of the sixty-six substantiated cases, eight occurred at Guantanamo Bay Naval Base, three in Afghanistan, and fifty-five in Iraq. One-third of the cases were related to interrogation.³ The panel emphasized the gross inadequacies in the personnel resourcing, training, and unit cohesion of the MP and MI organizations at an overcrowded detention facility which at the time was a frequent target of deadly insurgent mortar attacks. Furthermore, the panel found that top leaders of Combined Joint Task Force Seven (CJTF-7) failed to ensure proper staff oversight, but pointed out that CJTF-7 headquarters was itself never resourced sufficiently to accomplish the size and complexity of its mission.⁴

Lieutenant General (LTG) Anthony Jones’ investigation into the role of CJTF-7 leadership revealed two types of improper conduct at Abu Ghraib. They were intentional violent or sexual abuses, and abusive acts based on misinterpretations of or confusion about law and policy. Among the latter were cases of clothing removal and intimidation by dogs during interrogation, techniques that some of the interrogators may have believed were authorized. LTG Jones blamed CJTF-7 policy memoranda for indirectly contributing to the latter type of abuses. Further, he asserted that the CJTF-7 Commander and Deputy Commander failed to provide adequate staff oversight of detention and interrogation operations, and that their staff elements did not respond appropriately when information surfaced about problems at Abu Ghraib.⁵

The Army Inspector General determined that “doctrine does not clearly and distinctly address the relationship between the MP operating [Internment/Resettlement] facilities and the . . . (MI) personnel conducting intelligence exploitation at those facilities. Neither MP nor MI doctrine specifically defines the interdependent, yet independent, roles, missions, and responsibilities of the two in detainee operations.”⁶

According to MG Fay’s investigation of the 205th MI Brigade, CJTF-7’s intelligence collection unit, twenty-seven brigade personnel allegedly encouraged or condoned MP personnel to abuse detainees and/or participated in abuse themselves.⁷ The types of abuse uncovered by MG Fay included inappropriate physical abuse, use of dogs, humiliating and degrading treatments, nakedness, photographs, simulated sexual positions, improper use of isolation, failure to safeguard detainees, and failure to report detainee abuse.⁸ Beyond thirty-

two detailed findings attributed to the actions, or failures to act, of individual officers, soldiers, and contract personnel, MG Fay's investigation concluded with twenty-four systemic findings, spanning organizational, leadership, command and control, policy, force structure, training, doctrine, administrative, contractual, and interagency issues.⁹

THE ARMY AS A PROFESSION

Five decades ago, sociologist Samuel Huntington described military officership as a profession, exhibiting the professional characteristics of expertise, responsibility, and corporateness. The officer's expertise was the ability to manage violence. His social responsibility was military security of society, the profession's client. The corporate character, stemming from the military commission, entitled the officer to practice the profession, and extended to membership in a distinct social group.¹⁰

More recently, Snider and Watkins extended the concept of profession to military services as a whole, rather than focusing exclusively on the officer corps. In their view, professions are occupational organizations composed of experts in a particular field who are able to develop their knowledge and apply their expertise in modified manners under variable circumstances. Clients validate the expertise and come to trust the judgment of their professionals. As part of that trust, a profession is able to largely regulate itself and develop a set of ethics, which further enhances client trust for the profession. Ultimately, the client judges a profession by effective and ethical application of the profession's expertise. Reflecting Huntington's view, the client of military professions is American society.¹¹

Indeed, the U.S. Army describes itself as a profession, the fundamental characteristics of which "are a service focus, an expert knowledge, a unique culture, and a professional military ethos."¹² Army Field Manual (FM) 1, *The Army*, describes the moral dimension of Army professionalism as follows:

Army professionalism is moral because the capability to wield tools of destruction in a brutal environment carries with it a moral responsibility. Our professional moral imperative derives from ancient ethical and religious standards. The Law of Land Warfare, the Uniform Code of Military Justice [UCMJ], and the Code of Conduct give structure to the moral imperative. The moral and ethical tenets of the Constitution, the Declaration of Independence, and Army values characterize The Army's professional ideals. As the environment of conflict becomes more complex, this moral dimension of Army professionalism takes on greater importance.¹³

Army values consist of loyalty, duty, respect, selfless service, honor, integrity, and personal courage.¹⁴ Three of these are particularly salient to discussions of detainee and interrogation operations. As defined in Army doctrine, respect is treating people as they should

be treated. Members of the Army profession treat everyone with respect;¹⁵ no exceptions are made for detainees. Honor “provides the ‘moral compass’ for character and personal conduct in the Army. . . . , those with a keen sense of right and wrong, those who live such that their words and deeds are above reproach.”¹⁶ Finally, integrity is doing what is right legally and morally.

Those with integrity always behave according to principles.¹⁷

According to FM 1, “The Army ethos – a set of guiding beliefs, standards, and ideals – is the soul of our profession.”¹⁸ It consists of the seven Army values and requires the strict adherence to all laws governing the conduct of war, laws that “seek both to legitimize and limit the use of military force and prevent employing violence unnecessarily or inhumanely.”¹⁹

INTERNATIONAL HUMANITARIAN LAW

International Humanitarian Law (IHL) is a compilation of a number of international treaties and conventions concluded between the mid-19th and the latter part of the 20th centuries at international conferences in The Hague and Geneva. In general, these laws concern permissible means of fighting and treatment of war’s victims. Violations of IHL are considered war crimes.²⁰ The Army has codified IHL in FM 27-10, *The Law of Land Warfare*.²¹

According to Hartle, there are two underlying moral principles related to compliance with IHL by military professionals. The first is that individual persons deserve respect. The second is that human suffering ought to be minimized.²² Given such a premise, there is therefore a moral imperative that underpins the behavior of military professionals in observing IHL. Deviation from the moral imperative constitutes a breakdown in professionalism. By extension, violations of IHL by Army members undermine the Army’s credentials as one of America’s professions.

TREATMENT OF DETAINEES

The Army, more so than any other military service, has a special interest in the question of detainees. After all, the Army’s role as the primary land combat service routinely results in the capture of enemy combatants and other personnel. Perhaps recognizing the Army’s unique requirements, skills and capabilities in handling detainees, DOD designated the Secretary of the Army as Executive Agent of the DOD Enemy Prisoner of War (EPW) Program. The program pertains to actual prisoners of war as defined by the Geneva Conventions as well as other detainees under DOD’s control.²³ Furthermore, joint U.S. military doctrine asserts that the Army component commander normally receives the task to establish, secure, and maintain EPW camp systems in support of joint force commanders.²⁴

Army rules and standards regarding the classification and treatment of detainees are quite explicit and form the basis for Chapters three and five in FM 27-10. Furthermore, according to Dworkin, the U.S. accepted as part of the body of customary international law pertaining to any military operation a protocol which "forbids 'violence to the life, health, or physical or mental well-being' of detainees, specifically including murder, torture, or humiliating and degrading treatment." In addition, as a party to the Torture Convention, the U.S. bans torture, defined as inflicting severe physical or mental pain in order to obtain information, as well as "cruel, inhuman and degrading treatment or punishment."²⁵ U.S. domestic law, civilian and military, also criminalizes acts of murder, manslaughter, and assault.²⁶

From the perspective of the Army proponent for detention operations, the MP Corps, two publications are particularly relevant, Army Regulation (AR) 190-8 and FM 3-19.40. FM 3-19.40 defines the U.S. policy towards detainees as follows:

Basic US policy underlying the treatment of detainees and other captured or interned personnel during the course of a conflict requires and directs that all personnel be accorded humanitarian care and treatment from the moment of custody until their final release or repatriation. The US personnel are fully and equally bound to observe this policy whether capturing troops, custodial personnel, or anyone else, regardless of the capacity they may be serving. . . . Inhumane treatment, even if committed under stress of combat and with deep provocation, is a serious and punishable violation under national law, international law, and the UCMJ.²⁷

AR 190-8 directs that all detainees in the custody of U.S. armed forces be treated humanely. The regulation specifically prohibits acts of murder, torture, corporal punishment, sensory deprivation, collective punishments, execution without trial by proper authority, and all cruel and degrading treatment. The U.S. may designate a neutral state or international humanitarian organization, such as the International Committee of the Red Cross (ICRC), as a Protecting Power to monitor whether protected persons are receiving treatment required by the Geneva Conventions.²⁸

The ICRC is the Protecting Power for U.S.-held detainees captured and held as part of Operation IRAQI FREEDOM (OIF), Operation ENDURING FREEDOM (OEF), and the Global War on Terrorism (GWOT). The ICRC, which describes itself as "an impartial, neutral and independent organization whose exclusively humanitarian mission is to protect the lives and dignity of victims of war and internal violence and to provide them with assistance,"²⁹ routinely visits detainees at U.S.-run facilities in Iraq,³⁰ Afghanistan, Guantanamo Bay, and even Charleston, South Carolina.³¹

A confidential report prepared by the ICRC for the U.S. Administration in February 2004 alleged that U.S. military intelligence personnel at Abu Ghraib were abusing detainees on a widespread basis in order to obtain confessions and information, and that some of the abuse was tantamount to torture. The ICRC compiled the report based on inspections and interviews conducted in 2003. Furthermore, the ICRC had been pointing out its concerns to U.S. military authorities in Iraq since May 2003. The ICRC noted that the abuse was so widespread as to suggest that the practice was condoned by the chain of command.³²

INTERROGATION OF DETAINEES

Army doctrine defines interrogation as “the process of questioning a source to obtain the maximum amount of usable information. The goal of any interrogation is to obtain reliable information in a lawful manner, in a minimum amount of time, and to satisfy intelligence requirements of any echelon of command.”³³ Authority for conducting interrogations of personnel under military detention stems from the traditional concept that a commander may exercise all lawful means to accomplish the mission and to protect one’s unit.³⁴

It is well known that the Geneva Conventions require a prisoner of war to divulge only name, rank, date of birth and service number to the detaining authority. However, as noted by an ICRC legal advisor, there is nothing that prohibits interrogation of detainees for intelligence gathering purposes.³⁵

Nevertheless, as a sign of the importance of IHL, doctrine stresses that interrogation principles and techniques are to be employed within the constraints imposed by the UCMJ and the Geneva Conventions.³⁶ Furthermore,

Experience indicates that the use of prohibited techniques is not necessary to gain the cooperation of interrogation sources. Use of torture and other illegal methods is a poor technique that yields unreliable results, may damage subsequent collection efforts, and can induce the source to say what he thinks the interrogator wants to hear.

Revelation of use of torture by US personnel will bring discredit upon the US and its armed forces while undermining domestic and international support for the war effort. It also may place US and allied personnel in enemy hands at a greater risk of abuse by their captors.³⁷

FM 34-52 clearly spells out the prohibition of interrogation techniques that include physical or mental torture or coercion. It provides examples of illegal abuse and identifies specific articles of the UCMJ that can be used to prosecute U.S. Army personnel if unlawful interrogation techniques are employed.³⁸ The manual distinguishes unauthorized interrogation methods from psychological ploys and noncoercive ruses that are lawful and beneficial, identifying and

describing fourteen authorized and historically effective approach techniques for interrogators. However, even though sanctioned in doctrine, the manual cautions that some of the authorized approaches, if misapplied, can lead interrogators down the path to inhumane and, therefore, unauthorized treatment.³⁹

MG Fay determined that several interrogation approach techniques not described in FM 34-52 were routinely employed at Abu Ghraib, such as dietary manipulation and sleep adjustment. Some were introduced to Abu Ghraib by interrogators attached to the 205th MI Brigade from the 519th MI Battalion. Members of the 519th had used these techniques in support of Special Operations Forces (SOF) in Afghanistan.⁴⁰ According to Dr. Stephen Cambone, Under Secretary of Defense for Intelligence (USDI), CJTF-7 requested that some of these techniques be approved for use at Abu Ghraib in a September 2003 memorandum but U.S. Central Command (CENTCOM) denied the request. CENTCOM approved revised CJTF-7 counter-resistance guidelines, dated October 12, 2003, which incorporated only two techniques beyond those outlined in FM 34-52.⁴¹ Nevertheless, many of the techniques from the September memorandum continued to be employed by interrogators who claimed, albeit quite mistakenly, to believe that CJTF-7's approval request document was an authorization document, even after CENTCOM disapproved that particular request.⁴²

The proliferation of controversial draft interrogation policies, according to Thomas Gandy, a member of the Senior Intelligence Executive Service and MG Fay's investigative deputy, started with the realization that CJTF-7 lacked such a policy memorandum in its newly established Joint Interrogation and Debriefing Center (JIDC) at Abu Ghraib. At that time, the detainee population was rapidly growing far beyond all expectations while the CJTF-7 intelligence community was under intense pressure to produce intelligence as the Iraqi insurgency was blossoming. A handful of JIDC leaders, especially those with experience in Afghanistan, some of whom had been subjects of a criminal investigation into the mysterious death of a detainee, felt the need to have an approved written document to authorize their actions at Abu Ghraib. Taking full advantage of the Information Age, they drafted policy by copying approach techniques obtained electronically from other locales, techniques which may or may not have been appropriately authorized in those locales. Some of the inappropriate approach techniques, such as isolation or the use of dogs, may have made their way into various policy memoranda based on the experiences of 519th MI Battalion interrogators who had participated in the SOF Survival, Escape, Resistance and Escape (SERE) course taught at the 519th's home base of Fort Bragg, North Carolina. These particular techniques were envisioned as the type an unconventional enemy would use against captured U.S. forces. In any case,

draft policies emanating from Abu Ghraib became CJTF-7 draft policies once the Coalition Judge Advocate (CJA), with little experience in detainee/interrogation law, essentially rubber-stamped the policies and sent them forward to CENTCOM for approval.⁴³

ANALYSIS – DETAINEE ABUSE AND PROFESSIONALISM

In a recently-concluded study on the causes of war crimes, Frésard argues “that in most cases violations of [IHL] cannot be ascribed to moral defects in the individuals who commit them.”⁴⁴ He contends that the stresses and abnormalities associated with war can cause individuals to commit heinous acts without affecting their underlying peacetime moral character. As such, there is no sense in promoting IHL as a moral issue. Rather, those who promote IHL must make it a judicial and political issue.⁴⁵

If one accepts Frésard’s thesis, then the Abu Ghraib scandal becomes an open-and-shut case. As stated by Dworkin, “The war in Iraq was covered by the Geneva Conventions, and the United States has accepted that all Iraqi prisoners were either POWs . . . , or civilian detainees protected by the . . . Convention. . . . banning the use of torture . . . , and requiring that captives be humanely treated at all times.”⁴⁶ As previously noted, Army ethos requires the strict adherence to all laws governing the conduct of war. And since the Army ethos is a fundamental attribute of Army professionalism, it follows that the abuses that occurred at Abu Ghraib directly undermined the foundations of Army professionalism.

While Frésard’s thesis serves as a useful tool for the overseers of IHL, such as the ICRC, or for the administrators of military justice, it does not fully explain why U.S. Army personnel as members of a profession should abide by humanitarian principles. Again, the Army’s ethos and professionalism go beyond merely obeying the letter of IHL. Clearly, individual acts of intentional violence and/or sexual abuse compromised the Army values of respect, honor, and integrity at Abu Ghraib. Hence, such acts compromised the values-based moral dimension of the Army ethos and, by extension, Army professionalism.

The second type of misconduct described by LTG Jones, abusive acts based on misinterpretations of or confusion about law and policy, may have been less of an affront to Army values. Nevertheless, the second type of misconduct also impacted the Army as a profession in negative ways. Specifically, the professional characteristic of expertise was damaged in that, referring to Snider and Watkins’ model, Army “experts” apparently failed to apply their expertise in “modified manners under variable circumstances.” Some of MG Fay’s findings highlight weaknesses in adapting the Army’s interrogation expertise to the circumstances of Abu Ghraib. His findings included lack of clear command and control of

detainee operations, the Army not possessing enough interrogators to support interrogation operations, and combined MI/MP training in the conduct of detainee/interrogation operations being inadequate.⁴⁷

According to Gandy, the leadership void at the JIDC was partly the result of heavy demand for Tactical Human Intelligence (HUMINT) Teams (THT) to directly support combat forces battling the insurgency. THTs require interrogators, as do JIDCs. Thus, as HUMINT teams arrived at Abu Ghraib, they were often stripped of their warrant and non-commissioned officers. This reinforced the lack of leadership and unit cohesion at Abu Ghraib, a situation which can have adverse consequences for any military unit. Some junior interrogators, with no experience beyond initial entry-level training, exercised poor judgment in applying approach techniques and, unfortunately, there were insufficient experienced supervisors to countermand their judgment.⁴⁸

MG Fay notes that while initial interrogator training is adequate with respect to conventional warfare, it is much less applicable to situations encountered in the GWOT and Stability and Support Operations (SASO), the type of operations faced in Iraq at the time of the detainee abuses.⁴⁹ Traditional international norms of combat, characterizations of combatants, and, by extension, intelligence requirements may indeed vary substantially in the contemporary GWOT or SASO environments. However, within these contemporary environments, interrogations operations need only adjust the type of information to collect vice altering the collection techniques employed. Even ICRC President Dr. Jakob Kellenberger acknowledges the possible need for updating the body of IHL based on new situations, though he fundamentally believes that IHL in its current form is a generally adequate legal foundation for dealing with the challenge of contemporary international armed conflicts. On the question of interrogation, however, Kellenberger asserts there is no need for adjustments. In his words, "Neither a prisoner of war, nor any other person protected by humanitarian law can be subjected . . . to any form of violence, torture, inhumane treatment or outrages against personal dignity. . . . Under the laws of war it is the detaining authority that bears full responsibility for ensuring that no interrogation method crosses the line."⁵⁰

Recalling Snider and Watkins' assertion that members of a profession must police themselves both as part of their corporate nature and to maintain client trust, it was clearly a blow to Army professionalism that abuses at Abu Ghraib persisted over several months. More egregious, MI, MP and CJTF-7 leaders ignored two ICRC reports based on visits to Abu Ghraib between September 2003 and January 2004 which detailed serious violations of IHL, according to MG Fay.⁵¹ It is no wonder, then, that the Army profession's client, American society, was so

disturbed with the public revelations of abuse, especially when that public revelation came from the media and not the military directly. The trust that characterizes the relationship between a profession and client was breached. The Army suffered as a profession.

ANALYSIS – DETAINEE ABUSE AND THE INTELLIGENCE PROCESS

According to Chief Warrant Officer 3 (CW3) Daniel Adkins, a senior Army HUMINT technician, intelligence information divulged as a result of abuse is automatically suspect. In the words of Adkins, who ran the Abu Ghraib Interrogation Control Element in the aftermath of the scandal, “When a detainee is frightened or threatened with abuse, he will say whatever he believes the threatener/abuser wants to hear in order to stop the threat/abuse.”⁵² Adkins notes that it takes extra effort in the aftermath of detainee abuse for the intelligence system to determine the validity of the information. If analysts ignore the degree of reliability of the information, they risk producing and disseminating incorrect intelligence.⁵³

Abuse at Abu Ghraib also had long-term consequences. One of the by-products of the various investigations and intense high-level scrutiny of detention and interrogation operations at Abu Ghraib was fear of making mistakes by JIDC interrogators. Exaggerated risk-aversion contributed to a decrease in the quantity of collected and reported intelligence information; however, this trend reversed itself in the latter part of 2004 as an atmosphere of professionalism was reinstated in the JIDC.⁵⁴ Another enduring impact of the Abu Ghraib scandal has been the increased propensity of certain detainees to play the “abuse card” as an elaborate interrogation resistance technique. Detainees with information to hide know that leveling false claims of abuse against guards or interrogators results in extensive documentation and time consuming investigation of their claims. The time and energy expended in refuting allegations of abuse keeps interrogators from their primary duty, conducting interrogations.⁵⁵

According to Gandy, the Abu Ghraib scandal diminished the leverage that interrogators have over detainees. Theoretically, the ability of an interrogator to get a detainee to reveal information is commensurate to the detainee’s perception of the interrogator’s ability to control all aspects of the detainee’s life, such as food, sleep, privileges, and time of release. The post-Abu Ghraib environment inserted predictability into a detainee’s existence, along with certainty of rules and process, which served to reduce the incentive for cooperation. Furthermore, interrogators at Abu Ghraib, under intense pressure to keep the detainee population as low as possible, spend more time in a “judicial” role, determining whether detainees should be released rather than actually trying to obtain intelligence information. The end result, in Gandy’s opinion,

is that intelligence production is “grinding to a snail’s pace in quantity and quality.” In fact, there may no longer be value in retaining the JIDC at Abu Ghraib.⁵⁶

The implications of what Adkins and Gandy describe are disturbing. Actionable intelligence information is often best extracted early, when a detainee is most disoriented in the shock and aftermath of his capture. Should a detainee with perishable actionable information have sufficient wits to buy time by raising a false claim of abuse, even if the claim is disproved, he may better be able to compose himself and better implement counter-interrogation techniques when he ultimately faces interrogators. More importantly, the delay may result in the loss of value of perishable intelligence information he eventually divulges during interrogation. Long-term detainees adept at the process potentially have the power to disrupt intelligence collection operations at detention facilities with well-calculated allegations of false abuse.

From a more strategic perspective, the Abu Ghraib scandal exposed a major fissure in joint intelligence doctrine, oversight, and resourcing, according to Gandy. It took OIF, the first long-term “hot” war in the military’s post Goldwater-Nichols joint era, to reveal these shortcomings. As OIF unfolded, the war came to require for extended duration two types of joint HUMINT elements for which doctrine at the joint and service levels is virtually non-existent, a JIDC and THTs in unprecedented numbers. Doctrinal reference to JIDCs in joint publications amounts to no more than two generic paragraphs; no joint doctrine exists to describe the joint THT concept. Confusion derives from the fact that services are responsible for intelligence oversight of their respective intelligence personnel in order to prevent intelligence abuses. However, in a joint environment, the intelligence personnel are no longer controlled by the services. From a resourcing standpoint, it is unclear whether doctrine intends for Defense Intelligence Agency (DIA) HUMINT elements to manage JIDCs. During OIF, since DIA HUMINT personnel were assigned with few exceptions to the Iraq Survey Group (ISG), another non-doctrinal organization, with the sole responsibility through most of 2004 of finding evidence of weapons of mass destruction, the issue became moot. CENTCOM charged the Army with manning CJTF-7’s JIDC. There was never any question of DIA filling THTs, since DIA limits itself to strategic and not tactical HUMINT collection. Therefore, the Army also received the tasking to fill THTs.⁵⁷

Unfortunately for the Army, the service no longer had sufficient HUMINT personnel to meet OIF requirements. During the 1990s, the Army lost hundreds of HUMINT billets to DIA when DIA consolidated the strategic HUMINT elements of all services in the name of efficiency. Furthermore, Army leaders themselves, choosing to cut “people” instead of “systems”,

eliminated Tactical Exploitation Battalions from the MI force structure during the 1990s, resulting in further reductions of 1100 Army HUMINT personnel.⁵⁸

RECOMMENDATIONS

Although the Army neglected the professional attribute of self-policing at Abu Ghraib through 2003, and this failure contributed to the ensuing scandal, the Army responded appropriately in January 2004. In fact, the number, scope, depth, and breadth of Army and DOD investigations and corrective actions initiated after SPC Darby anonymously turned over incriminating photographs to authorities has been unprecedented. The long-term rehabilitation of the Army's professional stature will depend on the effectiveness of actions taken or contemplated in the wake of the scandal. Most of the measures that will improve the Army's professional status will have the added effect of minimizing risks to the quality of intelligence collection from potentially similar situations in the future.

According to Matthew Waxman, the new Deputy Assistant Secretary of Defense for Detainee Affairs, "While we are ashamed of the abuses at Abu Ghraib and elsewhere, this history also is about a chain of command that followed procedures appropriately, soldiers who brought wrongdoing to light, and investigators who continue working to bring those who commit misconduct to justice. When mistakes occur, when errors in judgment are made, when misconduct and transgression of the law occur, we take action."⁵⁹ According to Waxman, DOD elements have conducted eight major reviews, inspections and investigations based on 950 individual interviews, and have produced 15,000 pages of documents. Over forty individuals have been referred for court martial and dozens of others have been disciplined, removed from command, or separated from the military. In addition, DOD established the position which Waxman is now filling, instituted new procedures for dealing with the ICRC, and initiated a department-wide review of detainee-related policy.⁶⁰

According to Dr. Cambone, DIA plans to hire interrogator supervisors and create deployable HUMINT assistance teams to help reduce the impact of heightened operational tempo on Army interrogators. CENTCOM has unified responsibility for detention and interrogation operations under a general officer in Multinational Force Iraq (MNF-I), the successor to CJTF-7, has issued interrogation policies reinforcing requirements to abide by the Geneva Conventions and requiring all interrogations to be conducted with command oversight, and has assigned a behavioral psychologist to provide support to interrogators. Additionally, MNF-I took steps to reduce the inmate population at Abu Ghraib by 50 percent in the first two months after the scandal was brought to light.⁶¹

According to Gandy, the Army is taking several measures to ensure that “there will be no more Abu Ghraibs; there will be a chain of command.”⁶² The Army is increasing its HUMINT force structure by 3500 personnel. It is creating four new units dedicated to the JIDC mission, two in the active component and two in the reserve component. The new JIDC units will allow for rotations into Iraq once every three years; currently, the 202d MI Battalion is the only true JIDC unit in the Army, and it has spent twenty-eight of the last thirty-six months in Iraq or Afghanistan. In addition, the Army is requesting that DOD assign the Army as DOD executive agent for interrogation operations, in addition to the Army’s current designation as executive agent for detainee operations. If the Army is designated executive agent for interrogation operations, it will close the doctrinal, oversight, and resource seams that currently exist in joint interrogation operations.⁶³

The Army has published an *Interim Interrogation Policy* and has drafted FM 2-22.3, *Human Intelligence Collector Operations*, to replace FM 34-52. The interim policy emphasizes the requirement for all soldiers and leaders to strictly observe rules regarding the humane treatment of detainees and to immediately halt and report indications of abuse no matter the circumstance.⁶⁴ It further sets minimum training requirements for any soldier or contractor conducting interrogations,⁶⁵ and reaffirms the approach techniques listed in FM 34-52 as the only ones generally approved for use by Army interrogators.⁶⁶ Finally, on the crucial question of MI/MP division of labor, the interim policy specifies that MPs “have exclusive responsibility for operating an internment facility. . . [in accordance with] AR 190-8.” MI personnel may collect information from MPs on detainees and may request, on a case-by-case basis to be approved by both chains of command, MP cooperation in strictly limited areas beyond security and custody.⁶⁷

Draft FM 2-22.3 covers many of the issues exposed as flaws during the Abu Ghraib investigations, such as the role of HUMINT in SASOs⁶⁸ and the enumeration and legality of interrogation approach techniques.⁶⁹ Interestingly, the approach techniques in the draft manual are identical to those in FM 34-52, reaffirming that the long-used and tested doctrinal techniques, if appropriately applied, were never subject to controversy.

One potential contributing factor to the scandal that apparently has escaped close public scrutiny has been the role of SOF. None of the publicly-released investigative reports has addressed the actions of SOF, despite the fact that several 519th MI Battalion soldiers assigned to the Abu Ghraib JIDC had worked with SOF in Afghanistan or had participated in the SOF SERE course at Fort Bragg. While it is known that SOF has conducted its own internal investigations in the wake of Abu Ghraib, reports on these activities have not been incorporated

into the wider investigations discussed in this paper. The reasons for why this information is absent are not clear.⁷⁰

CONCLUSION

Viewed from the traditional characteristics of professionalism, particularly from ethical values-based dimensions, the physical and emotional abuse of detainees at the Abu Ghraib facility in Iraq through most of 2003 compromised Army professionalism. While many of the abuses occurred at the hands of MP guards, investigations have revealed that intelligence interrogation policies and personnel practices contributed to the abuse. This paper has examined the relationship between interrogation and Army professionalism. Though it is a very specialized field within the Army, interrogation is unquestionably a component of Army operations. As such, interrogation operations affect the Army as a profession. The abuses also contributed to the collection and production of tarnished intelligence information. Any intelligence information derived coercively from detainees should have been suspect. Disseminated through the intelligence system, poor intelligence could have led to poor operational decisionmaking and could have imperiled the lives of Coalition personnel.

The investigations have revealed both individual lapses in standards, and systemic lapses that enabled individual cases of abuse to occur and go uncorrected. While administrative and judicial proceedings against individuals continue, systemic shortcomings have been or are being fixed. Detention and interrogation operations now have unprecedented attention and resources that should endure over the long term.

Despite the many fixes, it is certain that an Army as heavily engaged in conflict as the American will suffer future incidents of detainee abuse. The aftermath of Abu Ghraib, however, should help keep these to a minimum, and should lead to instant remedies when they do occur.

One unfortunate negative long-term consequence of the scandal is that America's enemies have learned new interrogation resistance techniques. They know that they can hinder the interrogation process with false accusations of abuse, or if they can simply wait out their detention with the certainty that they will be released if they divulge nothing of intelligence value. The long-term benefits to intelligence collection from a system that does not tolerate abuses will, however, outweigh these unfortunate effects.

WORD COUNT= 5863

ENDNOTES

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